

# Quid Novi

VOL. VI NO. 19

McGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT UNIVERSITE MCGILL

March 5, 1986  
5 mars, 1986

## COTLER ON SHCHARANSKY

by Terry Pether

The recent release of Anatoly Shcharansky from a Soviet prison marked a personal triumph for Professor Irwin Cotler as a human rights advocate; but, as he well knows, such achievements are most useful when they are shared with the world. Closer to home, Professor Cotler spoke to law students last Tuesday in a presentation blending an impassioned plea for awareness of human rights abuses with a detailed and privileged account of the entire Shcharansky affair.

Nearly twelve years ago, one day after her marriage to Anatoly, Avital Shcharansky was granted the right to emigrate from Russia to Israel. Despite Soviet assurances, her husband never followed. Shcharansky had by then emerged as a leader of the Jewish emigration movement and other religious groups. Because he became a spokesman for Andrei Sakharov and others involved with Soviet democratic causes, he was arrested and imprisoned incommunicado from March of 1977 to July of 1978 when he was convicted of treason

and anti-Soviet slander and agitation. Shcharansky was sentenced to three years in prison and ten years in a labour camp.

Professor Cotler is compelled to human rights advocacy by the human aspect of it all. He decided to act on behalf of Shcharansky upon witnessing the selfless devotion of the prisoner's family. Avital visited Canada in 1977 seeking legal aid. She told Cotler that Anatoly's elderly mother had failed

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## NOUVEAU PROGRAMME DU BARREAU DU QUEBEC DES SEPTEMBRE 1986

MAR 7 1986

McGILL UNIVERSITY  
par Yves Sicard  
V.P. Civil

Le nouveau programme de formation professionnelle du Barreau du Québec sera offert à titre expérimental dès septembre 1986 et remplacera le programme actuel à partir de septembre 1987. Cet échéancier révisé a été approuvé le 14 février dernier lors de la réunion du Comité conjoint sur la formation professionnelle. Le Comité conjoint est un organe consultatif multipartite chargé de superviser l'implantation du nouveau programme. Il est composé du Bâtonnier du Québec, du Directeur de la formation

professionnelle, des doyens des facultés de droit civil, du président du Comité permanent de la formation professionnelle et de trois représentants étudiants (l'auteur est l'un de ces représentants étudiants). L'approbation du Comité conjoint constitue la dernière formalité administrative avant que les travaux et les décisions du Comité permanent de la formation professionnelle ne puissent être annoncés officiellement.

Le nouveau programme de formation professionnelle est encore en voie d'élaboration, mais sera para-

chévé sous peu. Les travaux qui restent à faire ne concernent que les modalités de mise en oeuvre du programme, soit la préparation du matériel pédagogique et la sélection et la formation des professeurs. A moins de retards indus dans la phase terminale d'élaboration, le nouveau programme sera offert à titre expérimental à un groupe restreint d'étudiants, en parallèle avec le programme régulier, dès l'automne 1986.

Le nouveau programme a été conçu autour de six ob-

Cont'd on p. 4



# ANNOUNCEMENTS

## Community Affairs Presents: Legalese: How to Cure It!

"Order. (a) No handler shall ship any container of papayas (except immature papayas handled pursuant to S928.152 of this part):

(1) During the period January 1 through April 15, 1980, to any destination within the production area unless said papayas are grade at least Hawaii No. 1, except that allowable tolerances for defects may total 10 percent: Provided, That not more than 5 percent shall be for

serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay: Provided further, ...".

It doesn't have to be this way!

Community affairs and the law is proud to present Dr. Veda Charrow: Associate Director of the Document Design Center of the American Institute for Research, Washington D.C.

Monday, March 10th, 1986  
1 p.m. in Room 202.

## Quid Elections

On Tuesday, April 1st, the Quid will hold elections for the positions of:

Editor-in-Chief  
Associate Editor  
News Editor  
Production Manager  
Financial Manager

All staff members are strongly encouraged to attend; any staff member is eligible to run for these positions.

## PLACEMENT CENTRE

### Placement Centre

#### ALBERTA

The firm of WILLIAMS & COPPER, Edmonton, are looking for an articling student to start as soon as possible. Interested persons are asked to contact Mr. R.F. Watzke, Williams & Cooper, 10454-82 Avenue, Edmonton, Alberta, T6E 4Z7. Refer to Posting #65.

#### ONTARIO

EVANS, HUSBAND, Hamilton, Ontario, require one (1) law student for the articling period 1987/88. A copy of the firm's letter is posted in the Centre, Posting #67, and the firm's Articling Placement Survey is available in the Admissions Office.

#### QUEBEC

MENARD, DUBE, Montreal, is a firm with a practice which specializes in tax-  
ation and related corporate and commercial matters. This firm has immediate openings for two students interested in both litigation and planning in these areas. Candidates should be finishing their University studies this Spring, proceeding to the Quebec Bar School this Fall, and looking for full-time employment for May through September. Interested candidates should send a resumé and a copy of academic results to:  
Ms. Claudette Allard  
Ménard Dubé,  
Tour de la Bourse,  
800 Place Victoria,  
Suite 4500, C.P. 304  
Montreal, Quebec,  
H4Z 1G8  
Refer to Posting #66.

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Refer to Posting #66.

Once again the 1987/88 Articling Placement Surveys are now available. Those interested in perusing same should see Mrs. Higgins in the Admissions Office.

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## Letter to the Editor

By now enough articles and letters have been addressed to the issue of what is wrong with this place -- the McGill Law Faculty. I believe that the appropriate response, to the issues raised on this matter, was best summarized by the immortal words of G. Blaine Baker when he said "Too Bad, So Sad!"

Vincent Gallo

## Answers to Crossword

ACROSS	DOWN
(2) Laskin	(1) Hall
(6) Aid	(2) Lamer
(8) Martland	(3) SCR
(10) Locke	(4) Ill.
(11) Rand	(5) Judges
(14) Rue	(7) Dickson
(15) Ross	(9) Agree
(16) Rinfret	(12) Abide
(18) Nine	(13) Duff
(19) Res	(15) Roncarelli
(22) Pickle	(17) Toil
(24) Ritchie	(20) Spence
(25) RIP	(21) Study
(27) Ladue	(25) Kerwin
(28) Denning	(26) POGG
(29) LSA	(28) DA



# Clean Air Update

## Staff Reporter

A very small audience turned out two weeks ago for the Clean Air Lobby meeting that was addressed by Derek Dagger, counsel to the Public Service Alliance, and Dr. John Hoey, Director of the Department of Community Health at the Montreal General Hospital.

Mr. Dagger recently fought and won a grievance case before the Federal Staff Relations Board, which ruled on the basis of expert testimony that tobacco smoke in the workplace is a significant health hazard. The tribunal, in a ruling that affects 3 million federal workers, ordered that the grievor's workplace be smoke-free, and that smokers be provided with separ-

ately ventilated and isolated smoking areas. Mr. Dagger also told an ironic tale of resistance in his union to the suit because a large minority of the membership are smokers, and of assistance (sometimes covert!) from the federal government, as the grievor works for Health and Welfare Canada.

Dr. Hoey, a specialist epidemiologist, reported that the scientific community is now unanimous about the unacceptability of the risk to non-smokers. The threshold of an unacceptable inflicted cancer risk rate is 1 in 100,000 for pollutants in air, food or water; the risk to non-smoking New Chancellor Day Hall occupants is likely 100 times that. He reported that at least two carcinogens are present in

cigarette smoke that are not permitted in industrial health standards in any concentration whatsoever. Ventilation is an impossible solution; removal of cigarette smoke is, in medical terms, the only option.

The Clean Air Lobby was not dismayed by the low turn-out to their meeting. They interpreted it as resignation, in the context of the Federal tribunal ruling, to the legality, sense, and inevitability of their goal. They are proceeding with their approach to Faculty Council, and hope to be able to work with smokers in the faculty on the implementation of a reasonable policy, consistent with minimum published public health standards, for the Faculty of Law.

# Computer Referendum

Bucks. Major dollars. You will soon be called upon to decide whether the Faculty of Law shall immediately buy 12 computers for student use. Prima facie, students should not have to pay for library equipment. But I am hoping and would like to believe that students will see that the University will not give us these computers unless we chip in. As more and more Montreal firms engage in computerized research, your skills must necessarily reflect the requirements of your legal employer.

The referendum question will ask whether you agree to give about half of the

present LSA surplus, i.e. \$7,000, towards the purchase of this equipment. It seems that the Dean may match this amount dollar for dollar. Further, it is likely that the total amount that is raised within the Law Faculty will again be matched dollar for dollar by outside corporate sponsors.

I should point out here that the computers now in use are in such demand that we have had to place a one-hour limit on computer use per day, per student. You are encouraged to verify the sign-out sheets at the library to see that many students are using the facilities, and not just a select few.

The computers can hook up to legal data bases across Canada, and searches are free of charge to McGill Law students only. Soon we shall add the SOQUIJ data base -- Jurisprudence Express, C.S., C.A., R.P., etc. -- to the list. It should be noted that it is possible to interconnect these units, so that Johnny's computer can talk to Tommy's computer and share information.

Please keep the McGill competitive edge. The LSA wants a 2/3 majority for this one.

Richard Kurland  
BCL IV



# Alpha Fishermen to Participate in St. Pat's Parade

by Mark Ciarallo

Secretary treasurer Ricardo "hey dere boye" Kurland announced at the last M.L.A.F.C. meeting that negotiations with Tom Fitzgerald of the Montreal St. Patrick's Day Parade committee had gone well and there is now a 90% chance that all systems are go for the green day festivities. Phil "K.O." Friedman, just back from the Queen's Holy Weekend, had been dispatched as Fishermen plenipotentiary to iron out all of the final details. When approached for verifications, "K.O." would not comment except to say that the club president was available for comment at Deli Peking (buffet \$12.50), a favourite dining spot. When pushed for comment, recent Club Fisherman Joe Tutino gave this reason: the M.L.A.F.C. wanted to participate in these festivities for the first time. "Our group is aimed at promoting the multicultural aspect of Canadian

society, as we pride ourselves upon the rich ethnic diversity of our membership," he said. Most members of the club were in favor of the parade except for Jamal Ward who could not be induced to cut short his February holiday. "The Pen" Rontiris, Joe "Sardino" Starr, and Martin "I've got a paper" Rosenbalme were all in favor of the green day celebration but could not decide what float should be used for the parade.

From the confines of the plush Alpha Head Office, a heated debate was to be heard over the color of this year's Fishmobile. Norm "G.Q." Dionne was a possible no show for the event as he is the only Fisherman to be gainfully employed this year. He will be on location at the time of the parade and his agent will not budge. "Prairie Dog" Garson will be able to attend as long as his duties to the escort

service can be terminated at the end of this month. The remaining members, Refridgerator Katz, Set Monster Hamalian, Fried Chicken Abramowicz, "Spud" Setlakwe, Eppy Epstein and Two-Way Duguay all have promised new and improved hats for the parade. Spud stated that the Dean should not worry as all of the Fishermen would be carrying civil codes. The Refridgerator further stated, "considering that most, if not all, of our members would be taking the Bar this September, the Club would be bound under the Professional Code of Ethics to behave in public in a manner that is appropriate to the legal profession.

**FISH BITS:** Prospective new members include: Tim Ryan, John Godber, Dave Morley, Franc Raymon, Claude "The Port" Marseille, Jean Rabi, Hymie Litvak, Jules Latour. All those interested in the club, please check the McDonald Board.

## Barreau

Cont'd from p. 1

jectifs fondamentaux qui traduisent ce que le Barreau du Québec juge comme essentiel à une bonne formation de l'avocat. Les six objectifs que le nouveau programme cherche à atteindre sont:

1. Effectuer une recherche factuelle et juridique,
2. Etablir une relation de consultation et conseiller,
3. Rédiger des écrits d'ordre juridique,
4. Agir à titre de négociateur,
5. Maîtriser l'art de la représentation,
6. Gérer sa pratique professionnelle.

aussi été retenu, celui d'"appliquer à sa pratique les règles de l'éthique professionnelle", mais sera enseigné de façon incidente aux six objectifs mentionnés. La préparation des plans et devis de cours pour chacun des objectifs a été confiée à des concepteurs différents, qui devaient suivre une méthode pédagogique spécialement adaptée aux fins du programme par un consultant en pédagogie.

Le nouveau programme se distingue du programme actuel non seulement du point de vue du contenu mais aussi de celui de la méthode d'enseignement et du mode d'évaluation.

reflète un désir d'enseigner aux candidats certaines habiletés pratiques propres à la profession légale. La préoccupation n'est donc plus de réviser systématiquement le droit positif dans un éventail de domaines où l'avocat peut être appelé à exercer sa profession. Le droit positif ne servira désormais que d'outil pour mettre l'étudiant en situation afin d'évaluer l'apprentissage des habiletés. Cette orientation du nouveau programme constitue une prise de position du Barreau quant aux rôles respectifs des facultés de droit et de la corporation professionnelle dans le processus de formation des avocats. La

Un septième objectif a

Le contenu du programme

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**Barreau**

Cont'd from p. 4

tâche d'enseigner le droit substantif revient maintenant exclusivement aux facultés de droit. L'orientation choisie s'inscrit dans le cadre d'un vaste mouvement de réforme qui souffle sur le Canada. Notre nouveau programme s'inspire d'un programme analogue implanté récemment en Colombie britannique et il est à prévoir que la Law Society of Upper Canada reformera son programme à moyen terme.

La méthode d'enseignement se caractérise par la grande place accordée au matériel audio-visuel comme ressource didactique. Les cours magistraux sont à toute fin pratique abandonnés au profit d'activités pédagogiques qui requièrent la participation de l'étudiant. La contrepartie de cette méthode est que la présence aux cours est essentielle. D'ailleurs le mode d'évaluation exige que l'étudiant assiste à au moins 80% des cours.

Le mode d'évaluation lui-même reste plutôt simple et correspond à une méthode plus sophistiquée du traditionnel système "pass/fail". Il existe deux niveaux de réussite, "très satisfaisant" et "satisfaisant", de même que deux niveaux d'échec, "insatisfaisant" et "très insatisfaisant". Pour obtenir la reconnaissance du Barreau, il faut une mention de réussite pour presque tous les objectifs, c'est-à-dire qu'une mention "insatisfaisant" pour un objectif peut être récupérée par le jeu d'une moyenne pondérée si l'étudiant réussit tous les autres objectifs, alors qu'une mention "très insatisfaisant" n'est pas récupérable et l'étudiant doit reprendre cet objectif avant d'obtenir le diplôme du Barreau. De plus, certains objectifs jugés très importants devront obligatoirement être repris si l'étudiant obtient une mention "insatisfaisant". Le mode d'évaluation n'étant pas encore tout à fait au point, ces informations sont données sous toute

réserve.

Le nouveau programme sera offert à titre expérimental à un groupe de 60 étudiants volontaires. Le programme expérimental étant offert au centre de Montréal seulement, des quotas régionaux seront respectés au moment de sélectionner le groupe pilote (si plus de 60 étudiants manifestent leur désir de s'y inscrire). Le nouveau programme conserve la durée du programme actuel de même que la charge de cours quotidienne.

Les étudiants qui désirent plus d'informations sont invités à assister à la réunion d'information qui aura lieu au Moot Court le vendredi 7 mars à 1h00.

Me Robert P. Gagnon, président de la formation professionnelle, de passage à la faculté, y présentera le nouveau programme et sera disponible par la suite pour répondre aux questions.

**Shcharansky**

Cont'd from p. 1

to find a lawyer in Moscow willing to take her son's case unless he agreed to plead guilty. There was one lawyer who attempted to represent Shcharansky, but she was promptly disbarred and is currently practising law in Washington D.C.

While Avital Shcharansky was charged with pleading her husband's case in various western capitals before the "world court of public opinion", Professor Cotler drafted an appeal brief in accordance with Soviet law, alleging some twenty major violations from within that jurisdiction. His petition also included submissions on the absurdity of the charges brought against

Shcharansky. Regarding the accusation that Shcharansky was a treasonous spy for the CIA, Cotler secured an unprecedented declaration from President Carter stating that an investigation had uncovered no link between Shcharansky and the CIA. The charge of anti-Soviet slander and agitation was revealed in all its hypocrisy when the public record showed that the government of the U.S.S.R. had itself (on the occasion of American bicentennial celebrations), sent President Ford congratulatory messages that were no less effusive than a similar yet incriminating note from Shcharansky. The brief was served, gift-wrapped, at the Soviet embassy in Ottawa.

With the widest power of

attorney, Cotler continued to speak for the Shcharanskys. Meanwhile, reports had surfaced in 1979 of Anatoly's ailing health. Then prime minister, Pierre Trudeau, guaranteed that Shcharansky's case would be pressed whenever human rights discussions arose between the Canadian and Soviet governments. One year after filing the brief, Cotler himself went to the U.S.S.R. to meet with the Chief Justice of the court which sentenced Shcharansky as well as with the Procurator-General of the Soviet Union. During his visit to Moscow, Cotler was deeply touched in his encounters with various refuseniks which included six hours of conversation with Andrei Sakharov about

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# Just a Little Bit of News...

by Bettina Karpel

As the semester begins its final stretch towards summer, most of us are trying to either start, catch up on or finish our courses. Well, this year's LSA also wants to tie up loose ends before its term is up, so let me just point out a few of the things that you should watch for in the month of March.

## Thomson House

Most of you probably remember some mention last year of having all law students join Thomson House. Although the proposal died down at the end of last year, the effort has been taken up again.

For those who are unfamiliar with Thomson House, it is essentially a social gathering spot for McGill graduate students. It is run by the Post Graduate Students' Society (PGSS). Right now, any law student can join Thomson House as an associate member, this year at a cost of \$55. Associate members are not full members of Thomson House; that is, they enjoy all the social privileges, but cannot participate in the administration of PGSS. Thomson House offers many different diversions: a bar, a dance floor, a different movie every week, a reading room, a TV and a place to relax. Each Thomson House member can bring in two guests, as many times as s/he likes. Next year Thomson House will open a lunch counter.

The project was undertaken last year because the LSA President and V.P. External felt that Thomson House would replace the Pit and give

students one gathering spot which would allow more interaction between the various classes and create a more cohesive student body.

Thomson House and the LSA have now agreed on the terms for an en masse membership. In outline, these are the terms:

1. Every law student (this does not include graduate students who are automatically members of Thomson House) would have to pay a \$35 yearly fee to become an associate member of Thomson House. There would be no possibility for any individual to opt out. Fee increases would be proportional to increases for regular associate members.

2. Initially, the argeement would be for one year and would require the LSA and the PGSS to renew the argeement from year to year.

3. The LSA would be able to rent Thomson House for parties at \$100 (down from \$175) which would provide a boost for the social activities in the faculty.

The LSA has not yet entered into any final argeement with the PGSS. LSA Council gave the LSA president the mandate to negotiate with Thomson House and bring back a genral proposal to be presented before a General Assembly. If a majority of the General Assembly votes in favour of the proposal, then the LSA will draft a formal agreement with Thomson House and submit it to a referendum.

The General Assembly

Cont'd on p. 7



## Shcharansky Cont'd from p. 5

the burdens borne by Soviet Jewry. He was more profoundly affected by his abrupt expulsion from Russia hours after the KGB interrupted his road trip to the home of Shcharansky's parents in a Moscow suburb. Missing his planned meetings, the "spy" flew to London with fresh memories of coercive interrogation and a bad after-taste of what is everyday life for many Soviet citizens.

There never was a new trial other than lengthy

proceedings before the world court of public opinion. Shcharansky, of course, is a free man now. Impressing Cotler with his sense of humour as well as with his intellectual and moral strength, Shcharansky's message to Cotler for us stressed the importance of mobilizing shame against human rights violations -- such shame as keeps cases such as Shcharansky's alive. Vacation time in Canada, said Cotler, is prison time in Russia, or in a lot of other countries around the world. Professor Cotler concluded by challenging the McGill Law School to adopt the case of one Brodsky who serves as a

metaphor for human rights in our time. He represents a thorn in the side of Russia because, on a personal level, he is fighting to be reunited with his family and, on a global level, he is preaching a program for peace between the U.S.S.R. and the United States.

It was indeed a privilege to hear a first hand account of such an international event as the Shcharansky affair. Throughout his talk, Cotler praised the indomitable resolve of Avital Shcharansky, but his colleagues and students are especially proud to recognize the tireless efforts of Professor Irwin Cotler.

## News Cont'd from p. 6

will be held on Wednesday, March 12th at noon in the Moot Court. It is important that you attend since quorum for the General Assembly is 100 students. This is a proposal which involves a financial commitment from each student and which merits serious consideration. If you have any questions, don't hesitate to ask me and, most importantly, come to the General Assembly.

### Referenda

As you'll read in this issue, there will be a referendum asking you whether or not you want to give \$7000 towards the purchase of computers.

Depending on the General Assembly vote, there may be a referendum with respect to Thomson House.

The Law Journal will be running a referendum to ask for a fee increase, as may the Quid.

LSA Council will be presenting a proposal to make some changes to the LSA Constitution. We hope to include a budgetary scheme in the Constitution, and to this end we would like to meet with groups that were involved in this year's budget, to hear suggestions and get feedback on our proposals. The meeting is scheduled for Tuesday, March 18th at 1 p.m. in Room 202.

The referenda will take place on Thursday, March 27th, the same day as the LSA Elections.

### LSA Elections

The LSA Council elections are coming up soon. For information check the board just facing the cafeteria entrance. Nominations open March 12th and close March 18th. On Wednesday, March 26th there will be a meet-the-candidates assembly at noon in the Moot Court.

If you're interestd in running and want to find out about any one position,

contact the appropriate LSA Council member.

### Class Evaluations

Class evaluations are coming up soon. You'd be surprised at how costly they are and at how seriously they are taken by the Dean. So, please, take them seriously too, for the benefit of the professors and of other students.

### Student Participation Awards

Every year the LSA awards Student Participation Awards to students who have taken an active role in any way in the faculty. If you've got someone in mind, all it requires is one person to nominate a candidate. There will be an envelope posted on the LSA door -- just drop a note with your name and phone number, the name of the person you're nominating and the reasons for the nomination. Awards will be announced in the Quid.

Finally, Congratulations to our new law senator Ari Levy!



Many people complained to me that last week's puzzle was not only too easy, but that it was geared towards common law students. A little more challenging, therefore, and more in keeping with the National Programme, is this thematic puzzle based on the Supreme Court of Canada. Clues ending with a question mark are puns, based loosely on a Justice's name; so "           & Whitney" would be "Pratte." Got it? Good luck. Suggestions are welcome. Answers on page 2.

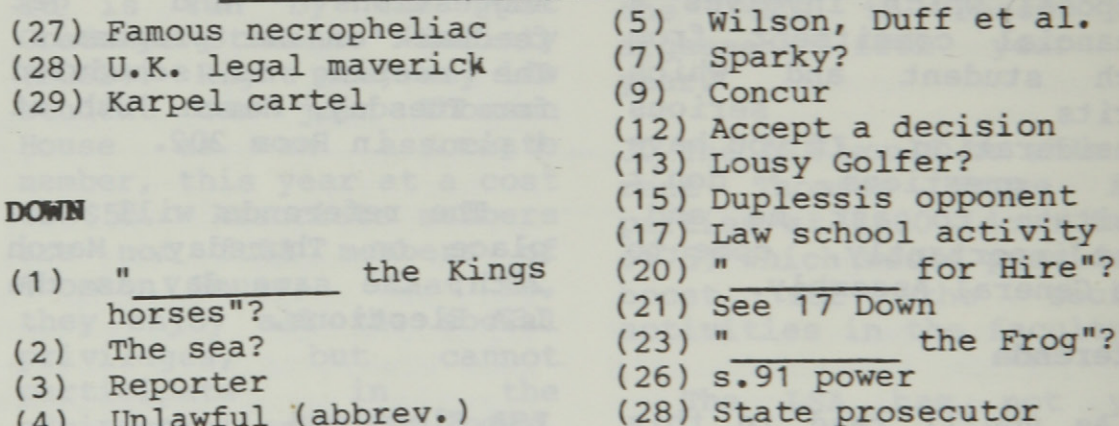
(2) Girl's relative?  
(6) Legal \_\_\_\_\_.  
(8) "Miracle \_\_\_\_\_" ?  
(10) \_\_\_\_\_ and key?  
(11) South African money?  
(14) Regret  
(15) Re \_\_\_\_\_ (McGill  
Gym Benefactor)  
(16) Holt \_\_\_\_\_ ?  
(clothing store)  
(18) SCC number  
(19) With perit or judicata  
(22) Bagel companion  
(24) \_\_\_\_\_ Rich?  
(25) See 2 across (abbrev.)

(1) "\_\_\_\_\_ the Kings  
horses"?

(2) The sea?

(3) Reporter

(4) Unlawful (abbrev.)



## LSR Coffeehouse II

Thurs March 6th Common Rm 8pm - 1am

[illegible]